

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5123 of 1998

with

SPECIAL CIVIL APPLICATIONS No 5125, 5126, 5604 and 5666 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RENU M BHOJANI

Versus

VICE-CHANCELLOR

Appearance: (In all the Special Civil Applications)

MR SHALIN MEHTA for Petitioners

MR MR MENGDE for MR SN SHELAT for Respondent No. 1

MS MANISHA LAVKUMAR, AGP, for STATE and
Commissioner of Higher Education

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/07/2000

ORAL JUDGEMENT

1. In all these five special civil applications, common questions of facts and law have been raised and as such the same are taken up for hearing together and are being decided by this common order.

2. In these special civil applications, challenge has been made to the centralised admission system introduced by the respondent No.1 in F.Y. B Com. of all affiliated commerce colleges of Ahmedabad city in so far as the system provides for giving first preference in admission to the students who passed Std.XII examination conducted by the Gujarat Secondary Education Board in October, 1997 and March, 1988 from any centre in Ahmedabad, Bavla and Sanand, meaning thereby, what they say denying admission to students who passed the said examination from centres other than the aforesaid three places. It is stated to be discriminatory, irrational, unreasonable and contrary to the provisions of the Gujarat University Act read with Statutes and Ordinances framed thereunder and Articles 14 and 21 of the Constitution of India.

3. In all these five matters, this Court on 10th August, 1998 granted interim relief in favour of the petitioners. By way of interim relief, the respondents were directed to admit all those students who have obtained first class with 60% of marks and above and who are otherwise eligible though hailing from Gujarat University and North Gujarat University areas.

4. In view of this interim relief which has been granted by the Court, there is all possibility that the petitioners who stood to merits would have got the admission.

5. Learned counsel for the respondent No.1 made a statement before this Court that admission policy to the extent which has been challenged in the special civil applications has already been discontinued by the University and these petitions have become infructuous.

6. I find sufficient merits in the statement of the counsel for the respondent No.1. When this policy is discontinued then naturally all these petitions have become infructuous. The petitioners otherwise also are protected by grant of interim relief and whosoever would have stood to merits would have got the admission also. Those who could not stand to merits naturally there is no question of grant to admission to them.

7. So considering these matters from any angle and aspect, all these special civil applications have become infructuous and accordingly the same are dismissed. Rule discharged. On being asked by the Court, learned counsel for the petitioner has failed to state whether the counsel has charged the fees from the students or not and as such no order as to costs.

zgs/-